

# Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

## DEPARTMENT OF HOMELAND SECURITY

### (1) FEDERAL ADVISORY COMMITTEE NAME

*State the legal name of the FAC*

**U.S. Customs and Border Protection Airport and Seaport Inspections User Fee Advisory Committee (UFAC)**

### (2) AUTHORITY

*Identify the authority for establishing the FAC*

**This Committee is established in accordance with and operates under the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. § App.**

### (3) MISSION/FUNCTION

*Describe the mission/function of the FAC*

**The UFAC acts solely in an advisory capacity to the Secretary of Department of Homeland Security on matters relating to the performance of airport and seaport inspections coinciding with the assessment of an agriculture, customs, or immigration user fees. UFAC will advise, consult with, and make recommendations to the Government on matters and actions regarding Customs procedures and other issues relating to user fees.**

### (4) POINTS OF VIEW

*Based on understanding the purpose of the FAC,*

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*
- (b) consider identifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

**The member shall consist of up to 20 members. Members are appointed by and serve at the pleasure of the Secretary of Homeland Security. The members are selected to represent the point of view of the airline, cruise ship, transportation, and other industries that maybe subject to agriculture, customs, or immigration user fees and are not Special Government Employees as defined in 18 U.S.C. § 202(a).**

### (5) OTHER BALANCE FACTORS

*List any other factors your agency identifies as important in achieving a balanced FAC*

**Potential members are selected based on their involvement with the international trade and travel communities. The membership will consist of up to 20 individuals drawn from the communities affected by user fees and who do business with CBP or others who are directly affected by CBP. In addition, members are selected to avoid geographic or regional concentration. By statute, no**



more than 10 members may be affiliated with the same political party. Members will not be paid compensation nor be considered Federal Government employees for any purpose.

Representatives are selected from the trade, transportation, and travel categories based on their expertise with CBP and other user fee issues.

#### **(6) CANDIDATE IDENTIFICATION PROCESS**

*Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:*

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

CBP identified candidates from the various industries affected by user fees. Candidates are chosen based on a diverse group of genders, geographical locations and political affiliations. The list is sent to the Commissioner and Deputy Commissioner of CBP for final review and approval.

After CBP approves the preliminary list, OTR will email the potential candidates a Privacy Act Authorization for Release of Information form to request criminal history record information from the Federal Bureau of Investigation's National Name Check Program Unit to ensure no negative information is on file.

Once the vetted list is approved by both DHS and the White House Liaison Office, the DFO prepares a draft action memorandum for the CMO to pre-review and approve before preparing a final memo for the Commissioner's signature that will be sent to the DHS Secretary for approval. This is to find any potential problems and also have the Office of General Counsel (OGC) and the Ethics Officer review and make any comments in advance. The memo is routed through CBP OES to the Secretary of DHS for signature.

#### **(7) SUBCOMMITTEE BALANCE**

*Subcommittees subject to FACA\* should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

*\*This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The UFAC subcommittee memberships are made up of committee members that have experience in the subject matter of that particular subcommittee. If there is not enough expertise within the UFAC membership, additional members may be vetted by the subcommittee chairs, both government and trade, and invited to join a relevant subcommittee.

#### **(8) OTHER**

*Provide any additional information that supports the balance of the FAC*

The membership of UFAC is created to balance as many aspects and viewpoints of the community affected by user fees as possible. Members are expected to personally attend and participate at committee meetings.

#### **(9) DATE PREPARED/UPDATED**

*Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated*

**Initial Date: October 30, 2014**